

ESTTA Tracking number: **ESTTA111422**

Filing date: **11/27/2006**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following parties oppose registration of the indicated application.

Opposers Information

Name	Pro Football, Inc.
Granted to Date of previous extension	11/26/2006
Address	21300 Redskin Park Drive Ashburn, VA 20147 UNITED STATES

Name	NFL Properties LLC
Granted to Date of previous extension	11/26/2006
Address	280 Park Avenue New York, NY 10017 UNITED STATES

Attorney information	Lori E. Weiss Quinn Emanuel Urquhart Oliver & Hedges LLP 51 Madison Avenue New York, NY 10010 UNITED STATES loriweiss@quinnemanuel.com Phone:212-849-7261
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Applicant Information

Application No	76004596	Publication date	05/30/2006
Opposition Filing Date	11/27/2006	Opposition Period Ends	11/26/2006
Applicant	Skin Finish, Inc. 250 East 54TH Street, Apt. 29C New York, NY 10022 UNITED STATES		

Goods/Services Affected by Opposition

Class 025. First Use: 1999/10/00 First Use In Commerce: 1999/10/00
All goods and services in the class are opposed, namely: men's and women's clothing, namely, pants, jeans, blazers, jackets, shirts, T-shirts, blouses, vests, dresses, outerwear, namely, jackets, coats, parkas and rain coats

Attachments	SKINS Opposition.pdf (7 pages)(129532 bytes)
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Signature	/Lori E. Weiss/
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Name	Lori E. Weiss
Date	11/27/2006

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of Application Serial No. 76/004,596
Published in the Official Gazette on May 30, 2006
Mark: SKINS

Pro Football, Inc. and NFL Properties LLC,

Opposers,

-against-

Skin Finish, Inc.,

Applicant.

Opposition No. _____

NOTICE OF OPPOSITION

TO THE COMMISSIONER FOR TRADEMARKS:

Opposers Pro Football, Inc. and NFL Properties LLC believe they will be damaged by registration of the designation SKINS as shown in the above-identified application and hereby oppose the same pursuant to Section 13(a) of the Trademark Act of 1946, as amended (the "Lanham Act"), 15 U.S.C. § 1063(a).

As grounds for the opposition, Opposers allege that:

1. Opposer Pro Football, Inc. ("Redskins" or the "Redskins Club"), a corporation operating and existing under the laws of Maryland with its principal place of business at 21300 Redskin Park Drive, Ashburn, Virginia 20147, owns and operates the Washington Redskins football franchise, providing entertainment services to the public in the form of competitive professional football games. The Redskins Club is one of thirty-two member clubs (the "Member Clubs") of the National Football League ("NFL").

2. Opposer NFL Properties LLC (“NFLP”) is a limited liability company organized and existing under the laws of Delaware with its principal place of business at 280 Park Avenue, New York, New York 10017. NFLP represents the NFL and its thirty-two Member Clubs for the licensing and protection of their names, logos, symbols and other identifying marks and is charged with protecting these marks and the rights of the NFL and the Clubs with respect thereto.

3. For many years, Opposers have used the trademarks WASHINGTON REDSKINS, REDSKINS, SKINS, and variations thereof (collectively, the “REDSKINS Marks”) in connection with their business of organizing, conducting, and promoting the Redskins football franchise. In addition to their common law rights in those marks, the Redskins and the NFL own several federal and state trademark registrations for the REDSKINS Marks for use in connection with entertainment services in the form of football games and exhibitions.

4. For many years, Opposers and their authorized business partners, sponsors, and/or licensees have used the REDSKINS Marks on or in connection with the sale of a wide variety of goods and services, including apparel.

5. Opposers actively seek to identify and stop perceived infringers of the REDSKINS Marks.

6. During their long, widespread and continuous use of the REDSKINS Marks, Opposers and their authorized business partners, sponsors, and licensees have expended considerable time, effort and money in advertising and publicizing the sale of goods and services bearing the REDSKINS Marks.

7. Opposers and their licensees and sponsors have sold, and offered for sale, goods and services bearing the REDSKINS Marks, in a trading area of broad geographical scope encompassing, *inter alia*, all of the states and territories of the United States.

8. Opposers and their licensees and sponsors have sold, and offered for sale, goods and services bearing the REDSKINS Marks in numerous channels of trade.

9. For many years, the print and broadcast media and the general public have used the REDSKINS Marks in connection with the Redskins.

10. Opposers' widespread use of the REDSKINS Marks on a variety of goods and services, Opposers' extensive advertising and publicity of such goods and services, and use by the media of the REDSKINS Marks when referring to the Redskins have contributed to the powerful consumer association between the REDSKINS Marks and Opposers, and have made the REDSKINS Marks famous.

11. The REDSKINS Marks have a high degree of distinctiveness due to the duration and extent of Opposers' use, advertising, and publicity of the REDSKINS Marks.

12. In addition to Opposers' common law rights in the REDSKINS Marks, the Redskins own, *inter alia*, the following federal trademark registrations:

Registration Number	Mark	International Class(es)	Date of First Use
1,085,092	REDSKINS	041 (entertainment services, namely, presentations of professional football contests)	1932
987,127	THE REDSKINS & Design	041 (entertainment services, namely, presentations of professional football contests)	01/1941
978,824	WASHINGTON REDSKINS	041 (entertainment services, namely, presentations of professional football contests)	09/19/1937
986,668	WASHINGTON REDSKINS & Design	041 (entertainment services, namely, presentations of professional football contests)	01/1941

836,122	THE REDSKINS	041 (entertainment services, namely, football exhibitions rendered live in stadia and through the media of television and radio broadcasts)	1932
1,606,810	REDSKINETTES	041 (entertainment services, namely, cheerleaders who perform dance routines at professional football games and exhibitions and other personal appearances)	1962

13. These registrations are incontestable pursuant to Section 15 of the Lanham Act, 15 U.S.C. § 1065.

14. On March 3, 2000, Applicant filed an application with the United States Patent & Trademark Office (“PTO”) for the designation SKINS, Application Serial No. 76/004,596, based on its use of the mark in interstate commerce in connection with “men’s and women’s clothing, namely, pants, jeans, blazers, jackets, shirts, T-shirts, blouses, vests, dresses, outerwear, namely, jackets, coats, parkas and rain coats” in International Class 25. Applicant’s SKINS Application Serial No. 76/004,596 was published in the Official Gazette on May 30, 2006.

15. Upon information and belief, since approximately at least 2002, Applicant has ceased using its SKINS designation in commerce, in connection with any services or goods, and without intent to resume use, which cessation of use constitutes abandonment of the SKINS designation.

16. Upon information and belief, Applicant has never used its SKINS designation in connection with “men’s and women’s clothing, namely, pants, jeans, blazers, jackets, shirts, T-shirts, blouses, vests, dresses, outerwear, namely, jackets, coats, parkas [or] rain coats,” despite the recitation of these goods in the application.

17. Upon information and belief, Applicant knowingly and willfully perpetrated a fraud on the PTO by misrepresenting material facts in the application. Specifically, Applicant falsely claimed in the application that it was using the SKINS designation in commerce when, upon information and belief, Applicant knew these facts to be untrue. Applicant allowed its attorney to make these statements despite being warned by the PTO “that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements may jeopardize the validity of the application or any resulting registration.” Applicant’s misrepresentations are material in that they would unlawfully expand the exclusive rights of Applicant beyond that to which it is entitled to under the Lanham Act.

18. Opposers will be damaged by the registration sought by Applicant because such registration will support and assist Applicant in the confusing and misleading use of the designation sought to be registered.

19. Registration should be refused pursuant to Section 2(a) of the Lanham Act, 15 U.S.C. § 1052(a), on the grounds that Applicant’s use of the subject mark will falsely suggest a connection between Applicant and Opposers named herein, to the damage of Opposers.

20. Registration should be refused pursuant to Section 2(d) of the Lanham Act, 15 U.S.C. § 1052(d), on the grounds that the subject designation so resembles the REDSKINS Marks used consistently by Opposers in the United States, as to be likely, when used on or in connection with the goods identified in the application, to cause confusion, or to cause mistake, or to deceive, with consequent injury to Opposers and to the public.

21. Registration should be refused pursuant to Sections 2(f) and 43(c) of the Lanham Act, 15 U.S.C. §§ 1052(f) and 1125(c), on the grounds that Opposers will be damaged

by the registration sought by Applicant because the registration will dilute the distinctiveness and famous quality of the REDSKINS Marks.

22. Registration should be refused on the grounds that Applicant has never used, does not currently use and/or does not plan to use the SKINS designation in connection with the goods listed in the application and the application is therefore void *ab initio* because it does not satisfy the requirements of Section 1(a) of the Lanham Act, 15 U.S.C. § 1051(a).

23. Registration should be refused on the ground that Applicant has abandoned the SKINS designation by discontinuing its use with intent not to resume such use pursuant to Section 45 of the Lanham Act, 15 U.S.C. § 1127.

24. Registration should be refused on the grounds that Applicant knowingly and willfully perpetrated a fraud on the PTO by misrepresenting material facts regarding the goods in connection with which Applicant claims to have used the SKINS designation.

WHEREFORE, Opposers believe they will be damaged by the registration by Applicant of the SKINS designation for the goods identified in Application Serial No. 76/004,596 and respectfully request that the opposition be sustained and registration of said designation be denied.

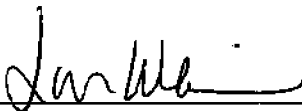
Pursuant to 37 C.F.R. §2.6(a)(17), Opposers respectfully request that the \$600.00 statutory filing fee and any additional amount be charged to Deposit Account No. 50-3778.

All communication should be addressed to Opposers' counsel, Quinn Emanuel Urquhart Oliver & Hedges, LLP, at the below stated address.

Dated: New York, New York
November 27, 2006

Respectfully submitted,

Quinn Emanuel Urquhart Oliver & Hedges,
LLP

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